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Karen H. Rothenberg

William L. Reynolds

Jana Singer

Gordon G. Young

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## Tributes

### TRIBUTES TO PROFESSOR ANDY KING

KAREN H. ROTHENBERG\*

Andy King began his scholarly career by documenting the professional life of Daniel Webster, and he remains one of the world's foremost scholars on the career of this great American lawyer. So, as we celebrate his retirement from the School of Law, it is fitting to find words in Webster's writing that illuminate Professor King's profound impact upon generations of University of Maryland School of Law students:

*If we work upon marble, it will perish; if we work upon brass, time will efface it; if we rear temples, they will crumble into dust; but if we work upon immortal minds and instill into them just principles, we are then engraving that upon tablets which no time will efface, but will brighten and brighten to all eternity.*<sup>1</sup>

While Webster was famously humorless, Andy King has instilled three decades of Maryland Law students with an appreciation for humor as well as "just principles." Whether mischievously donning a different (and colorful) institution's academic regalia at graduation each year, wearing his Yankees batting helmet to class on baseball's opening day, or using a raccoon puppet to illustrate the 1805 New York Supreme Court case *Pierson v. Post* in his property class, Professor King's erudition and good nature have earned him the respect and affection of his students and fellow faculty. I am proud to have

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\* Dean and Marjorie Cook Professor of Law, University of Maryland School of Law.

1. Daniel Webster, *Speech in Faneuil Hall*, in THE WRITINGS AND SPEECHES OF DANIEL WEBSTER (1903).

worked with him for the last twenty-five years. Always a trusted colleague and dedicated teacher, he will remain a vital part of the Law School community in the coming years.

Professor King graduated from Antioch College in 1963, earned an LL.B. from Harvard University in 1966, and in 1975 earned his Ph.D. from the University of Wisconsin. He is the author of *Law and Land Use in Chicago: A Pre History of Modern Zoning, 1870–1925*,<sup>2</sup> and the co-editor of a three-volume work on the legal papers of Daniel Webster.<sup>3</sup> Upon joining the School of Law in 1979, he was one of the first members of the faculty to hold a Ph.D.

Professor King subsequently published several well-received articles on legal history, including pieces on Daniel Webster's legacy, the history of religion and the law, the history of laws of slander and zoning, and aspects of Maryland history. From 1986 to 1990, Professor King was instrumental in organizing a collaborative, interdisciplinary program with Johns Hopkins University entitled "Studies in Law and History." The program involved an annual speakers' series and a symposium addressing legal history with a focus on labor law history; the symposium's papers were later published in the volume *Labor Law in America: Historical and Critical Essays*.<sup>4</sup>

At the School of Law, Professor King has taught property almost every year. He has taught legal history in a variety of formats, including Early American, Modern American, an elective in Modern American Legal Thought, and American Labor Law History. He was very active in the formulation of Maryland's curriculum to teach legal analysis and writing, teaching the course in various iterations, including to evening students. In 2007, Professor King received an award from students recognizing his lengthy and crucial contribution to the core curriculum of the evening program. He has taught in that program more extensively than the vast majority of his colleagues and has consistently worked to ensure its continued excellence and success.

Professor King's dedication to the School of Law has also extended well beyond the classroom. He invented the Biography of A Legal Dispute (BOALD) orientation program for Maryland Law stu-

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2. ANDREW J. KING, *LAW AND LAND USE IN CHICAGO: A PRE HISTORY OF MODERN ZONING, 1870–1925* (1986).

3. 1 *THE PAPERS OF DANIEL WEBSTER, LEGAL PAPERS: THE NEW HAMPSHIRE PRACTICE* (Alfred S. Konefsky & Andrew J. King, eds., 1982); 2 *THE PAPERS OF DANIEL WEBSTER, LEGAL PAPERS: THE BOSTON PRACTICE* (Alfred S. Konefsky & Andrew J. King, eds., 1983); 3 *THE PAPERS OF DANIEL WEBSTER, LEGAL PAPERS: THE FEDERAL PRACTICE, PARTS I AND II* (Alfred S. Konefsky & Andrew J. King, eds., 1989).

4. *LABOR LAW IN AMERICA: HISTORICAL AND CRITICAL ESSAYS* (Christopher L. Tomlins & Andrew J. King, eds., 1992).

dents, writing all the materials and administering the program for several years. The program was highly popular with new enrollees because it involved the litigation of a small case in teams from the trial level through the court of appeals. Professor King has also participated in several programs sponsored by the American Association of Law Schools that were designed to develop better and more extensive curricular materials for the teaching of legal analysis and writing. A former chair of both the Teaching Committee and the Library and Technology Committee, he has also chaired the Curriculum Committee since 2005. Perhaps his most enduring committee work stems from his participation in the Building Arts Committee, where he conceived of and created the “whimsy” room—a lecture hall that features a series of pictures and a humorous quiz about the cases that all young law students read.

Regardless of what courses he taught or what positions he held, Professor King has left an enduring impression on everyone he worked with at the School of Law. I salute him for his years of dedicated service to our community, and welcome his future contributions as Professor Emeritus. Professor King, thank you!

WILLIAM L. REYNOLDS\*

I was on the faculty committee that hired Andy King two decades ago. We did so for two reasons: we wanted a distinguished legal historian, and we wanted a shortstop for the faculty softball team. Andy alleged that he satisfied both criteria. He was half right—we got the distinguished historian, but we did not get the shortstop. Feigning a back injury when he showed up, Andy never played for the team. Even though there was clearly fraud in the inducement, I am not complaining: The Law School has certainly received more than it bargained for.

First, Andy has always been an outstanding teacher. I did not fully appreciate this until we moved into our present palace where our offices are so close together. For several years now, I have seen first hand the parade of students into his office, where they receive unstinting attention from him. His attention to their writing, in particular, is truly painstaking. Second, he is a true member of the Law School community, doing more than his share of the unglamorous committee work needed to keep the place running efficiently. Moreover, his

mild disposition has helped keep contentious issues from rising to the boil. Third, Andy has made strenuous efforts to enrich the atmosphere of the school. I am referring here, of course, to his role as Master Prankster. To be sure, Andy was more unwavering in the role in his younger days before the advent of email—making everything traceable. However, I was recently delighted by a spoof of our hiring practices, seeing that the Master had struck again and lost none of his skills. Finally, Andy is a great colleague, always nice, always willing to help, with never an unkind word to offer. And he has always looked like a scholar, with that fluffy white beard and the idiosyncratic visor he wears constantly.

In this piece, however, I wish to concentrate on Andy's scholarly career. While recently he has focused on religious topics, he spent most of his professional life as a legal historian. Although he wrote on many topics, the crowning glory is the multi-volume work, *The Papers of Daniel Webster*.<sup>5</sup> A collection of the papers of Webster and others concerning his legal practice, the work ranges from the great to the small, from Supreme Court practice in great decisions—*Dartmouth College*, *McCulloch*, *Charles River Bridge*—to much more mundane matters of everyday work in New Hampshire in the early nineteenth century.

These papers make fascinating reading. They include discussion with other counsel and clients as to how to argue a case, notes prepared for argument itself, and letters conveying the outcome to clients. (I had never thought about this step of the process because for more than a century we have merely picked up the phone.) *Dartmouth College*, in particular, is fascinating because the record is so complete; in addition, the editor tells us how Webster adopted a new style of argument for the case, which he then used extensively thereafter before the Court.

But the volumes of *The Papers of Daniel Webster* are far more than a transcription.<sup>6</sup> They also include many essays of varying length. Reading these essays provides a wonderful education into a misty legal world. One book begins, for example, with a discussion of Supreme Court argument around 1820. I had not the faintest idea that each party then had two attorneys, and that the petitioners' two were sand-

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5. There are actually three "volumes" divided into four "books." These were published between 1982 and 1989; Alfred Konefsky is the co-editor on two of the books.

6. Even if they were not, transcription alone would be a formidable scholarly achievement. Remember, the papers were written before typewriters. Another difficulty with transcription was the frequent use of not-always-correct Latin, and the difficulty of translating it accurately. I have talked with Andy at length about the perils of transcription and am glad that I did not go on in history; law school was much the easier path.

wicked around the two for the respondents. The book then explains which position Webster might find more comfortable, and why. There are illuminating essays on many other topics, ranging from admiralty law to the background facts of important cases.

These essays provide wonderful reading and instruction, of course, but they also show the mastery that the *Papers* required of Andy. He had to learn the relevant (and obscure) law on a wide range of disparate topics. He had to provide biographical notes on hundreds of individuals, known and unknown. He had to do much more, and he did it very well indeed. *The Papers of Daniel Webster* are first-rate and they tell you all you need to know about Andy as a scholar.

This Law School has long been characterized by a group of strong senior faculty who create a definite tone. Andy is a member of that cadre, one dedicated to scholarship, but also to building a strong and decent institution. We will miss him.

JANA SINGER\*

I first met Andy King even before I joined the Maryland faculty. Young and idealistic—dare I say radical—we were both members of a critical legal studies reading group convened by then-Georgetown law professor Mark Tushnet. I don't remember much about that reading group, but I do remember my first impressions of Andy—insightful and friendly, with a wry, self-deprecating sense of humor. When I received a job offer from Maryland, I was thrilled that he would be my colleague. While our political views may have moderated since then, my initial impressions of Andy have endured.

To me, Andy has always embodied the best of legal education. Not only is he passionate about the subjects he teaches (even property—imagine that!), he is also genuinely interested in pedagogy and student learning. For Andy, teaching has never been about showcasing his own expertise or oratory skills (though both are considerable), but rather has been about communicating effectively with students. Whether in property, legal analysis and writing, legal history, or law and religion, teaching—for Andy—has always been a collaborative enterprise, and his students have responded enthusiastically.

Andy's dedication to teaching is exemplified by his commitment to our first year legal analysis and writing program—in all of its various guises and configurations. For more than thirty years, Andy has been a stalwart of the program, teaching generations of students to think and write like lawyers, and helping more junior colleagues (myself included) find their footing in the classroom. Andy was never too busy to answer a legal methods question or to brainstorm about the best way to structure a first-year writing assignment. And no matter how experienced he became, Andy was always willing to try something new—whether it was a new technique for evaluating student writing or a disaggregated legal analysis and writing offering.

Andy was also an associate deans' dream. He was always willing to teach whichever courses needed to be taught, with no demands for specific time-slots, days, or classrooms. Most important, Andy was willing—indeed happy—to teach in the evening. He appreciated the special dedication and experience that evening students bring to their education, and our evening students returned his affection—seeking his guidance throughout their law school careers and honoring him at a dinner last year.

But Andy has been much more than a dedicated teacher—he is also an accomplished scholar and an institutional leader. As a legal historian, Andy was a practitioner of interdisciplinary scholarship even before it became trendy. For many years, he facilitated a legal history colloquium that brought together Maryland law faculty with faculty and graduate students from the departments of history and political science at Johns' Hopkins. As a junior faculty member invited to participate, I remember lively and wide-ranging discussions that broadened my horizons and deepened my perspectives on the legal issues that I was beginning to research. Andy also demonstrated his leadership and institutional loyalty as chair of the Curriculum Committee; under his firm but low-key leadership, the Committee not only conducted its routine business with a minimum of bureaucracy, but tackled potentially divisive issues with civility and skill—patiently presenting (and re-presenting) its work to the full faculty.

If there is such a thing as a renaissance law professor, Andy is it—a teacher, scholar, and institutional citizen rolled into one. I fear that there may not be many more like him on today's fast-breaking academic market. The Law School has been fortunate to be the recipient of Andy's multiple talents for the past thirty years, and I hope that he will continue to enrich us as an emeritus for a good many more.

## GORDON G. YOUNG\*

As our careers move towards their ends, Andy's and mine, I begin to appreciate even more the good things now understood as not lasting forever. Andy has been one of the truly good things about this place where we have been colleagues for nearly thirty years.

We were hired the same year, and quiet Andy revealed himself slowly. I remember that, early on, he struck me as an especially kind person. I recall being impressed by his work on Daniel Webster. But mainly, Andy emerged first as a small-time prankster and, later, as an astonishingly accomplished one. There was, for instance, his "House of Foam," which produced the stunning discarded-Styrofoam sculpture, "Tomlinson's Grapefruit," displayed proudly for an unimaginably brief time in the Law School's halls. No less works of art were the fabricated memoranda he circulated under the names and signatures of various deans, playing chicken with at least minor catastrophe.

Once, the tables were turned on Andy, albeit it very briefly. An associate dean whose signature was knocked-off on a fake memo told Andy that the campus president had received a copy and was (how shall I say) quite ticked. The dean added that a woodshed meeting was scheduled for Andy in the president's office. Andy, guessing the counter prank, sent the dean a copy of a fake apology, supposedly sent to the president. It said, among other things, that Andy's compulsion was now under the control of a drug called "Pranknomore."

Andy went into remission, and the pranks took on milder forms. He began wearing different academic regalia to our graduation each year. One year it would be University of Illinois, the next, Southern Ohio A & E, and so on. None of these institutions, I assure you, has any conceivable connection with Andy King. By now, there have probably been at least twenty-five of these one-man costume parties.

As the pranks receded, the professionalism and collegiality—there all along—came into sharper focus. I began to realize that Andy was in his office with his students constantly, day and evening. In the past several years, Andy and I had a student who needed help in ways that Andy was uniquely suited to provide. And he took on the considerable extra responsibility to help him. The students have noticed all of this dedication and skill, for example, by honoring him at a dinner last year. As Curriculum Committee Chair, he preserved standards while making things no more complicated than necessary—no one



resembling Andy will ever make an appearance in “Dilbert.” As I said of Dave Bogen, who retired a year ago, Andy has as little ego as is consistent with being a card-carrying law professor.

So, this is the Andy King I have come to care about a great deal. The pranks, too, I realize are a seamless part of his professional personality, revealing a partial disregard for authority (of the sort that we both developed in the Army) and a complete disdain for pretense of any sort. Recently, there have been signs of some cathartic, late-career pranks and, truth be known, I have encouraged him, hoping to laugh until it hurts very badly one last time. I hope we won’t have to miss him too much. Below: the package insert from Andy’s preferred method of prank remission, Pranknomore.

#### PRANKNOMORE

##### *Indications/Instructions*

Pranknomore is prescribed for wise guys with a history of acute (two or more major pranks) or of chronic graduation identity confusion pranks; though, for the latter, it has not proved especially effective. Pranknomore should not be swallowed, but allowed to dissolve slowly between the tongue and cheek. Take all of the Pranknomore that your doctor prescribes, maybe more, and, for god’s sake, do not discontinue unless advised.

##### *Drug Trials*

There have been no double-blind trials of Pranknomore in the United States. Originally it was dispensed experimentally to a single patient at the University of Maryland Hospital in Baltimore, over the script of a dentist. The diagnosis of this patient was extreme compulsion to prank flamboyantly, though it sometimes took the milder, chronic form of impersonating (via graduation regalia) academics from a wide variety of institutions, including auto mechanic schools. Pranknomore has controlled only the acute, flamboyant aspects of the Maryland subject’s pranking behavior, not the latter chronic variety. Experts at University of Maryland Medical School believe it is a matter of time before the Maryland subject develops complete drug resistance or, worse, the rebound effect with judgment-dulling (see *Side Effects*, below) develops.

##### *Side Effects*

Observed in less than 10% of drug courses: dullness, more committee responsibilities, increased non-ironic use of PowerPoint, and

somnolence in faculty meetings. Rare: a perverse rebound effect increasing either the frequency or the severity of pranks. In a very small subset, Pranknomore, while causing hyperpranklivity, has dulled the judgment center of the brain producing megapranks technically known as “train wrecks.”

### *Contraindications*

Pranknomore is completely ineffective during the last two years of high school and all of the college years, particularly for fraternity members. For some, there is a lifetime lack of response.

Pranknomore’s effectiveness is greatly reduced when combined with alcohol, or with any drug having a popular, funny-sounding name. It should not be used by anyone under a compulsion to engage in a righteous, poetically just, prank.

### *Clinical Pharmacology*

The precise chemical methods by which Pranknomore works on the brain’s pranking center are not yet fully understood.

## **“CALL ME ANDY”**

DAVID ROSEN\*

I am more than honored to write a tribute for Professor King. Professor King is an enthusiastic teacher who sees education as a continuous, life-long process; and his zest for learning is contagious. Despite the fact that while I was a teaching assistant for him he made it clear that we were colleagues and, therefore, I should call him Andy, I never felt comfortable with it. I found this odd: not only were we both generally informal people, I was also thirty-three years old and fairly accustomed to being on a first-name basis with my colleagues. However, something inhibited me from doing it. There is a pure respect that develops when one is constantly learning from another, even when conversations seem to be as between two friends. For that reason, he will always be Professor King.

Ask many students what they remember from Professor King’s property class and, more likely than not, they will tell you about the animal puppet, the wide-brimmed sun hat, or the whale sounds. Pro-

fessor King's props, which also included rolls of toilet paper, a ziplock bag of salt, and a student's wrist watch, made his 8:45am Monday class not only educational, but entertaining.

Professor King's interest in engaging his students extended to anyone who set foot in his classroom. In the spring, prospective students visiting the Law School would visit Professor King's property class. Without warning, Professor King would engage even them in the discussion. It would usually be about half-way through the class, and he would ask a prospective student a question that merely elicited an opinion. There was no wrong answer. Professor King would explain to the student and the class that he needed to get a good pulse for what a rational, thinking person would do, because the students in the class, as second semester 1Ls, had already been tainted by their first semester and begun overlooking notions of common sense. Besides giving the prospective student a feel for the year ahead, the true lesson for all the students visiting with us was that they were capable of answering the question. Professor King was already making prospective students feel comfortable in a 1L classroom.

Consequently, when Professor King told me he was retiring, I was genuinely sad. It wasn't for him—I have no doubt that between travels and grandkids he will be kept more than busy—but, rather, for future students. Professor King taught more than just the material, he taught the approach. And the approach extended to all things, not just the law. He had an unassuming way of reinforcing students' grounding. Through objective and mutually respectful dialogue, he not only helped students find the answer, but, more importantly, he showed students the path. I don't mean simply in terms of cases or law, but rather helping students arrive at their *own* argument, whether Professor King believed it to be right or wrong. To borrow from someone who said it much more eloquently:

*You need something to open up a new door  
To show you something you seen before  
But overlooked a hundred times or more  
You need something to open your eyes  
You need something to make it known  
That it's you and no one else that owns  
That spot that yer standing, that space that you're sitting<sup>7</sup>*

Professor King was that person.

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7. Bob Dylan, *Last Thoughts on Woody Guthrie*, available at <http://www.bobdylan.com/songs/guthrie.html>. While this is only an excerpt, the song applies in its entirety to Professor King.

In our second year, Eileen Jane and I worked with Professor King as his teaching assistants for Legal Analysis, Writing, and Research I. From the get-go, Professor King made it clear that teaching the 1Ls was a collaborative effort. Eileen and I started by drafting the first memo as if we were part of the class. As the semester wore on, it was easy to see how invested Professor King was in the class, and in making sure it was a learning experience for me and Eileen as well. We prepared class lessons, led class sessions, and helped the students with other aspects of their first semester, such as learning how to outline, or how to prepare for their final exams. Professor King did not think anything was beyond his first semester students. At the end of the semester, he allowed students to voluntarily participate in an oral argument. Despite the fact that the oral argument had no impact on the students' grades, more than half the class participated.

The irony of this Tribute is that I believe Professor King may find this to be extravagant and overstated. If I could guess, the thought of being a role model would be unwelcome, because it would be in direct conflict with what is inherent in his interactions with students—his desire for students to find their *own* voice. In working with Professor King, in becoming friends with Professor King, I have appreciated his approach and, in many ways, it has influenced how I hope to approach others. What matters is not the substance of another person's opinions or ideas, but rather the amount of respect and deference we give to our colleagues, our adversaries, and our friends. It is the same amount of respect that we hope our opinions and ideas receive from others. This unassuming objectiveness is rare. Thank you, Professor King.